

## REMARKS

### I. Introduction

With the cancellation herein without prejudice of claim 16, claims 15 and 17 to 29 are pending in the present application. In view of the foregoing amendments and the following remarks, it is respectfully submitted that the present application is in condition for allowance, and reconsideration is respectfully requested.

### II. Objection to the Specification

Regarding the objection to the Specification, although Applicants do not necessarily agree with the merits of this objection, to facilitate matters, the paragraph beginning on page 2, line 11 has been deleted without prejudice.

In view of the foregoing, withdrawal of this objection is respectfully requested.

### III. Rejections of Claims 15 to 19, 23, 24, 28, and 29 Under 35 U.S.C. §103(a)

Claims 15 to 19, 23, 24, 28, and 29 stand rejected under 35 U.S.C. § 103(a) as unpatentable over the combination of U.S. Patent No. 6,213,025 (“Sauerwein”), U.S. Patent No. 6,148,752 (“Upmeyer”), U.S. Patent No. 3,881,581 (“Richardson”), U.S. Patent No. 5,519,262 (“Wood”), and U.S. Patent No. 6,089,512 (“Ansorge”). For at least the following reasons, Applicants respectfully submit that the combination of Sauerwein, Upmeyer, Richardson, Wood, and Ansorge does not render unpatentable these claims.

Claim 15 relates to a lateral guidance transportation system, and includes, in relevant part, a transportation vehicle arranged as a main vehicle that includes a lifting platform driven by a drive. Claim 15 has been amended herein without prejudice to include the feature that the drive is provided with energy in a contactless manner from a primary line arranged vertically at a side of the main vehicle. Support for this amendment can be found, for example, in cancelled claim 16, and on page 9, lines 6 to 15 of the specification. By having this arrangement, the transportation system may be implemented in a compact manner and there may be provided a high efficiency in the energy transmission.

None of the cited documents describe that a drive of a lifting platform is provided with energy in a contactless manner from a primary line arranged vertically

at a side of a main vehicle. Sauerwein merely discloses a one-level shelving system or a pre-aligned system, and thus a drive for vertically lifting the lifting platform to align it with a shelf is not disclosed. While Upmeyer discloses a satellite vehicles that runs in a vertically extended direction with its transversely positioned hoist gear, Upmeyer makes no mention of a lifting system that is provided with energy in a contactless manner from a primary line arranged vertically at a side of a main vehicle. Richardson merely discloses a horizontal shelving system, and thus a drive for vertically lifting the lifting platform to align it with a shelf is not disclosed. Wood discloses a near field power coupling system, but makes not mention of a drive of the lifting platform provided with energy in a contactless manner from a primary line arranged vertically at a side of the main vehicle. Finally, while Ansorge discloses the contactless transmission of electrical energy include for high-shelf storage facilities, Ansorge makes no mention of a lifting system that is provided with energy in a contactless manner from a primary line arranged vertically at a side of the main vehicle.

It is therefore respectfully submitted that the combination of Sauerwein, Upmeyer, Richardson, Wood, and Ansorge does not render unpatentable claim 15, or claims 17 to 19, 23, 24, 28, and 29, which depend from claim 15.

Withdrawal of the present rejection is therefore respectfully requested.

#### **IV. Rejections of Claims 20 to 22 Under 35 U.S.C. §103(a)**

Claims 20 to 22 stand rejected under 35 U.S.C. § 103(a) as unpatentable over the combination of Sauerwein, Upmeyer, Richardson, Wood, Ansorge, and U.S. Patent No. 4,833,337 (“Kelley”). For at least the following reasons, Applicants respectfully submit that the combination of Sauerwein, Upmeyer, Richardson, Wood, Ansorge, and Kelley does not render unpatentable these claims.

Claims 20 to 22 depend from claim 15 and therefore include all of the features included in claim 15. As more fully set forth above, the combination of Sauerwein, Upmeyer, Richardson, Wood, and Ansorge does not disclose, or even suggest, all of the features included in claim 15. Kelley is not relied upon for disclosing or suggesting the features of claim 15 not disclosed or suggested by the combination of Sauerwein, Upmeyer, Richardson, Wood, and Ansorge. Indeed, it is respectfully submitted that Kelley does not disclose, or even suggest, the features included in claim 15 not disclosed or suggested by the combination of Sauerwein,

Upmeyer, Richardson, Wood, and Ansorge. As such, it is respectfully submitted that the combination of Sauerwein, Upmeyer, Richardson, Wood, Ansorge and Kelley does not render unpatentable claims 20 to 22 which depend from claim 15.

In view of all of the foregoing, withdrawal of this rejection is respectfully requested.

**V. Rejections of Claim 25 Under 35 U.S.C. §103(a)**

Claim 25 stands rejected under 35 U.S.C. § 103(a) as unpatentable over the combination of Sauerwein, Upmeyer, Richardson, Wood, Ansorge, and U.S. Patent No. 6,583,697 (“Koyama”). For at least the following reasons, Applicants respectfully submit that the combination of Sauerwein, Upmeyer, Richardson, Wood, Ansorge, and Koyama does not render unpatentable this claim.

Claim 25 depends from claim 15 and therefore includes all of the features included in claim 15. As more fully set forth above, the combination of Sauerwein, Upmeyer, Richardson, Wood, and Ansorge does not disclose, or even suggest, all of the features included in claim 15. Koyama is not relied upon for disclosing or suggesting the features of claim 15 not disclosed or suggested by the combination of Sauerwein, Upmeyer, Richardson, Wood, and Ansorge. Indeed, it is respectfully submitted that Koyama does not disclose, or even suggest, the features included in claim 15 not disclosed or suggested by the combination of Sauerwein, Upmeyer, Richardson, Wood, and Ansorge. As such, it is respectfully submitted that the combination of Sauerwein, Upmeyer, Richardson, Wood, Ansorge and Koyama does not render unpatentable claim 25 which depends from claim 15.

In view of all of the foregoing, withdrawal of this rejection is respectfully requested.

**VI. Rejections of Claims 26 and 27 Under 35 U.S.C. §103(a)**

Claims 26 and 27 stand rejected under 35 U.S.C. § 103(a) as unpatentable over the combination of Sauerwein, Upmeyer, Richardson, Wood, Ansorge, Koyama, and U.S. Patent Application Publication No. 2001/0006364 (“Lin”). For at least the following reasons, Applicants respectfully submit that the combination of Sauerwein, Upmeyer, Richardson, Wood, Ansorge, Koyama, and Lin does not render unpatentable these claims.

Claims 26 and 27 depend from claim 15 and therefore include all of the features included in claim 15. As more fully set forth above, the combination of Sauerwein, Upmeyer, Richardson, Wood, Ansorge, and Koyama does not disclose, or even suggest, all of the features included in claim 15. Lin is not relied upon for disclosing or suggesting the features of claim 15 not disclosed or suggested by the combination of Sauerwein, Upmeyer, Richardson, Wood, Ansorge, and Koyama. Indeed, it is respectfully submitted that Lin does not disclose, or even suggest, the features included in claim 15 not disclosed or suggested by the combination of Sauerwein, Upmeyer, Richardson, Wood, Ansorge, and Koyama. As such, it is respectfully submitted that the combination of Sauerwein, Upmeyer, Richardson, Wood, Ansorge, Koyama, and Lin does not render unpatentable claims 26 and 27 which depend from claim 15.

In view of all of the foregoing, withdrawal of this rejection is respectfully requested.

#### **VII. Conclusions**

In view of all of the foregoing, it is respectfully submitted that the present application is in condition for immediate allowance. Prompt reconsideration is respectfully requested.

Respectfully submitted,

Dated: April 19, 2010

By: /Clifford A. Ulrich/  
Clifford A. Ulrich  
Reg. No. 42,194

KENYON & KENYON LLP  
One Broadway  
New York, NY 10004  
(212) 425-7200  
**CUSTOMER NO. 26646**